



## Senegal

### Country Reports on Human Rights Practices - [2002](#)

Released by the Bureau of Democracy, Human Rights, and Labor  
March 31, 2003

Senegal is a moderately decentralized republic dominated by a strong presidency. In March 2000, opposition leader Abdoulaye Wade, backed by a coalition of opposition parties, became president in an election viewed as both free and fair, albeit marred by reports of sporadic preelection violence and minor procedural irregularities. The post-election transition period was free from violence and characterized by good conduct on the part of all candidates. In a January 2001 referendum, 94 percent of voters accepted the new Constitution, which abolished the Senate, a body that had no directly elected members. On April 29, 2001, President Wade's Sopi (Change) coalition, composed of the Senegalese Democratic Party (PDS) and its allies, won 49.6 percent of the votes cast and gained 89 of 120 seats in the National Assembly elections, which also were unmarked by violence and judged to be free and fair. In transparent and orderly local elections held May 12, President Wade's coalition gained control of the majority of rural, regional, and city councils. The Government continued to implement decentralized regional and local administrations. Occasional fighting continued in the Casamance area in the southern part of the country between the Government and the secessionist Movement of Democratic Forces of the Casamance (MFDC). In March 2001, the Government and the MFDC signed two peace agreements designed to end the 20-year insurgency; however, these agreements proved ineffective and fighting continued. In August the Government agreed to hold new peace talks with the two principal rival leaders of the MFDC, and President Wade met with the two MFDC leaders that month. The Constitution provides for an independent judiciary; however, it was subject to government influence and pressure in practice.

The armed forces were professional and generally disciplined. They traditionally remain aloof from politics and were under civilian control. The paramilitary gendarmerie and the police were less professional and less disciplined. Some members of the security forces committed serious human rights abuses.

The country is predominantly agricultural with about 70 percent of the labor force engaged in farming. In 2000 the population was estimated at 9.5 million, 31 percent of which was urban and 69 percent rural. Gross domestic product (GDP) per capita was estimated at about \$500, but this excluded the large informal economy. Since the devaluation of the CFA franc in 1994, the Government has implemented a series of economic policy reforms to enhance competitiveness by dismantling monopolies, liberalizing markets, and privatizing several state-owned industries. GDP per capita grew at an average rate of approximately 5 percent per year since 1995. Exports account for about one-third of the GDP. The Government continued to receive external assistance from international financial institutions and other sources, and such assistance represents approximately 32 percent of the national budget. Annual remittances from abroad represented between 3 and 4 percent of GDP.

The Government generally respected the rights of its citizens; however, there were problems in some areas. Government forces reportedly were responsible for extrajudicial killings in the troubled Casamance region, including some civilian deaths. Several disappearances from previous years remained unsolved. Police at times tortured and beat suspects during questioning and arbitrarily arrested and detained persons. Prison conditions were poor. The Government often did not try or punish members of the military, gendarmerie, or police for human rights abuses, and there was little public accountability. Human rights advocates and nongovernmental organizations (NGOs) continued to report a decrease in arbitrary arrests and disappearances in connection with the Casamance insurgency. Lengthy pretrial detention largely due to an overburdened judiciary was a problem. The judiciary was subject to government influence and pressure, and it suffered from low salaries and insufficient resources. On at least one occasion the Government limited freedom of speech and of the press. Unlike in the previous year, there were no reports that the Government limited freedom of assembly. Domestic violence and discrimination against women, female genital mutilation (FGM), and child labor remained problems. There were reports of trafficking in persons. Unlike in previous years, mob violence was not a problem. Senegal was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial

Meeting in Seoul, Republic of Korea, as a participant.

There were reports that rebel MFDC forces committed killings, torture, and rape.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom From:

#### a. Arbitrary or Unlawful Deprivation of Life

There were no confirmed reports of political killings by government officials; however, government forces reportedly were responsible for extrajudicial killings, including some civilian deaths.

Numerous rebel incursions and armed robberies occurred in the Casamance region during the year, and the incidence of violence increased between early May and mid-July when Government security forces initiated military sweeps against the rebel movement. On June 24, 20 civilians were caught in the line of fire and killed as they tried to flee to The Gambia.

During the year, the press continued to report on frequent small arms attacks, raids, ambushes, and clashes between suspected MFDC gunmen and military forces. There were military and civilian fatalities.

On October 23, near the village of Badioure a government soldier shot and killed a civilian passenger in a vehicle whose driver reportedly refused to stop at a roadblock. The soldier was relieved of duty at that post, and an investigation was reportedly opened into the incident. There was no further information by year's end.

On August 7, a government soldier was killed when the vehicle in which he was driving set off a landmine. The incident occurred in the village of Kandiadiou, near Ziguinchor.

In January 2001, police shot and killed one student while forcibly dispersing a demonstration at the University of Dakar; the Government appointed a commission to investigate, and a police officer subsequently was arrested and was in detention awaiting trial at year's end (see Section 2.b.).

There was no action, nor was any likely, in the following 2000 cases of alleged killings by government security forces: The January killing of Momany Tendang and the March killing of Daniel Sambou and Denis Sambou.

Throughout the year, MFDC gunmen or suspected MFDC gunmen committed numerous killings. For example, in March suspected MFDC insurgents attacked a group of civilian vehicles 4 kilometers from the town of Diouloulou, near the Gambian border in the Bignona region of the Casamance and killed seven civilians and wounded four. In a government military sweep following this attack, the military killed several suspected MFDC insurgents, although exact figures were not available. In October suspected MFDC gunmen opened fire on a taxi in Diabang killing three civilian passengers.

Unlike in previous years, vigilante groups and mobs did not lynch suspected thieves.

#### b. Disappearance

There were no reports of politically motivated disappearances during the year; however, there remained several unsolved cases of disappearance from previous years.

According to Amnesty International, on April 2, 2000, Moise Diatta, a hotel employee in the Cap Skirring area of Ziguinchor region, was arrested at his house by Government security forces and has not been seen since. According to Amnesty, his wife was called in by a Ziguinchor examining magistrate in June 2001 and interrogated about her missing husband's activities during the tourism off-season. There were no reports of further government action on this case.

Amnesty also reported that during the night of March 29, 2000 residents near the Ziguinchor military camp Joher heard cries from Antoine Nyafouna, a resident of the town of Caleane, near Nyassia, who was apparently being beaten by security forces. Nyafouna has not been seen since. There have been no reports of progress in the government investigation.

Amnesty also reported that Ziguinchor resident Ephreme Diatta was last seen in the custody of security forces at the Gendarmerie in Cabrousse in April 2000, and has not been seen since. There were no reports of a government investigation into this case.

According to Amnesty International, in March 2000, government security forces in Kabrousee arrested Jean Dacouagna, a 40-year-old man with mental disabilities. The man remained unaccounted for and there were no reports of a government investigation into this case.

In September 1999, a group of Casamance professionals helped family members of two missing persons, Alexis Etienne Diatta and Jean Diandy, file legal complaints against security forces for abduction. The families of both Diatta and Diandy had reported the disappearances in August 1998 to civilian authorities, who were unsuccessful in finding either person. In response to inquiries by Amnesty, the Government reportedly stated that the Diandy case was closed due to lack of evidence in November 2000. According to Amnesty, Diandy's family had not been informed of this decision. The Government reportedly delegated the case to the criminal police in February 2000; however there were no reports of progress in the case.

#### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such treatment; however, there were credible reports that police and gendarmes often beat suspects during questioning and pretrial detention, and the problem remained a serious public concern.

According to the domestic human rights organization, Rencontre Africain des Droits de l'Homme (RADDHO), on May 2, police officers in the Dakar suburban police station of Guediawaye, beat severely 41-year-old Alioune Sow.

In December police reportedly beat a television cameraman during a demonstration (see Section 2.b.).

Amnesty International reported that in December 2000, 26-year-old Raoul Mendy was arrested by government security forces at the Breguede border post in the Casamance region. According to Mendy, the soldiers undressed him, bound his hands and feet, and placed him in a trench in the ground. They then allegedly beat him while interrogating him concerning a recent rebel attack, and accused him of being a spy. Mendy said the soldiers set fire to empty plastic containers and poured the melted plastic onto his body. Mendy was subsequently hospitalized for two months. Amnesty International noted that in June 2001, military authorities arrested the lieutenant in charge of the group in question. His case was transferred to the Gendarmerie. No information was available concerning the progress of the case at year's end.

Despite stronger legal provisions against torture, those cases that are pursued often took years before a final judgment was reached.

Prison conditions were poor and prisons remained overcrowded. Food and health care were inadequate; however, there were no reports of deaths in prison as a result of these conditions.

Women were held separately from men. Juveniles were housed separately from adults. Pretrial detainees usually were held separately from convicted prisoners, as required by law; however, on occasion pretrial detainees were detained with convicted prisoners due to limited space.

The Government permits prison visits by independent human rights monitors. During the year, local and international human rights groups such as RADDHO, the National Organization for Human Rights (ONDH), the International Committee of the Red Cross, the International Prison Observatory, and Methodist missionaries visited prisons.

#### d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention; however, the authorities, at times, arbitrarily arrested and detained persons.

The law specifies that warrants, issued by judges, are required for arrests; however, laws also grant the police broad powers to detain prisoners for lengthy periods. Police officers may hold without charge a person suspected of a crime for 48 hours after arrest and for up to 96 hours if authorized by a public prosecutor. This period may be doubled in the case of crimes against the security of the state. The prosecutor decides whether to forward the case to an investigating judge who may open an investigation. At this point, the suspects are charged preliminarily and

may be held or released on their own recognizance. During the initial 48 hours of detention the accused has no access to family or an attorney, but has the right to demand a medical exam. The accused has the right to an attorney after this initial period of detention. There is a system of bail, but it was used rarely. The accused may be held in custody for 6 months, and the investigating magistrate can certify that an additional 6-month extension is required. Such extensions may be reviewed by a court on appeal. Judges have the right to order release pending trial without the prosecutor's consent.

Police rarely were prosecuted for violations of arrest and detention procedures, and the authorities could detain a prisoner for long periods of time while they investigated and built a case against a suspect. The authorities routinely held prisoners in custody unless and until a court demanded their release. Despite the 6-month limitation on detention, the time between the charging phase and trial averaged 2 years. In a 1998 effort to improve the administration of justice, the Government recruited 48 law school graduates to be trained as magistrates over a 2-year period. In 1999 approximately 90 graduated judges were assigned to courts nationwide, which allowed for the opening of judicial districts in all 30 administrative districts and access to the judicial system by citizens in the countryside. There were reports that the initiative resulted in faster trials, particularly outside the Dakar area; however, no statistics were available.

On July 10, the Dakar Court of Assizes threw out murder charges against Mame Demba Gueye, but sentenced him to 6 years in jail for robbery and check forgery. Gueye had been in pretrial detention since 1996 after being arrested for stealing and forging checks belonging to an 80-year-old female acquaintance who was found dead in her house.

On July 16, the same court acquitted a young woman who had been in pretrial detention for 4 years on manslaughter charges. She was arrested following the death by poisoning of her baby, which she claimed was accidental.

On June 5, RADDHO issued a press statement protesting the detention by police of 48 illegal immigrants from various African countries. According to RADDHO, the detainees were held in extremely poor conditions pending deportation, and the police injured five of them. The detainees were all either released or deported following RADDHO's protest.

Military authorities in the Casamance region made an effort during the year to reduce the number of human rights abuses committed by security forces under their command, and human rights NGOs confirmed that there were significantly fewer complaints of arbitrary arrests, lengthy detention, and abuse during detention; however, there were no statistics available at year's end.

Human rights NGOs in Casamance reported a decrease in the number of detentions of suspected MFDC rebels reported by local families; however, in January 2001 Amnesty International reported that 30 alleged MFDC sympathizers remained in detention in Dakar and Kolda without trial. According to Amnesty International, the alleged sympathizers were arrested in 2000 because of their Diola ethnic origin; they were charged with compromising state security, but no evidence was provided of their involvement in any acts of violence. Following the signing of a peace accord with the MFDC on March 16, the Government released 16 of these prisoners on March 19. During the early part of the year other prisoners were released. Amnesty International reported in April that at least two prisoners were still detained without trial in connection with the Casamance conflict.

The Constitution prohibits forced exile, and it was not used.

#### e. Denial of Fair Public Trial

The Constitution provides for a judiciary independent of the executive, the legislature, and the armed forces; however, in practice it was subject to government influence and pressure. Magistrates were vulnerable to outside pressures due to low pay, poor working conditions, and family and political ties. Also, the Minister of Justice and subordinate authorities had extensive authority to influence judicial procedures by keeping an accused in pretrial detention.

The legal system is based on French civil law and is composed of ordinary courts and a number of higher and special courts, including the Council of State, the Constitutional Council, and the Court of Final Appeal. These courts remained understaffed, and many of the special courts, including the one that deals with unlawful enrichment and other courts that try government officials for treason and malfeasance, were dormant. Muslims have the right to choose customary law or civil law for certain civil cases, such as those concerning inheritance and divorce. However, customary law decisions were rendered by civil court judges. There is a separate system of

military courts for members of the armed forces and the gendarmerie. The right of appeal exists in all courts except military courts and the special Unlawful Enrichment Court. Military courts may try civilians only if the civilians were involved with military personnel who violate military law.

In principle the accused was innocent until proven guilty. Trials were public, and defendants had the right to be present in court, to confront witnesses, to present evidence, and to have an attorney. However, some defendants were denied legal assistance at public expense due to a lack of funding. Evidentiary hearings may be closed to the public and the press, but the defendant and counsel have access to all evidence presented and may introduce their own evidence before the investigating judge decides to refer the case to the prosecutor for trial. A panel of judges presides over ordinary courts for both civil and criminal cases; in criminal cases, citizens also serve on the panel.

The Minister of Justice has taken steps to eliminate the backlog of cases in the judiciary system. In 2000 the Government adopted legislation for the appointment of judges in charge of monitoring the implementation of court decisions and for the establishment of alternative justice mechanisms, including a "maison de la justice" to be staffed by voluntary jurists--usually retired judges or attorneys. However, by year's end, local governments reportedly did not have the resources to implement the system mandated in the legislation.

There were no reports of political prisoners.

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits arbitrary invasion of the home, and there was little government interference in the private lives of citizens. The law requires search warrants, and only judges may issue them. In past years, during high profile or politically charged investigations, police often proceeded without the required search warrants; however, there were no reports of this during the year.

MFDC rebels sought to extort supplies and money from civilians. On several occasions during the year, MFDC rebels stopped passenger buses and robbed passengers (see Section 1.a.).

### Section 2 Respect for Civil Liberties, Including:

#### a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice; however, at times it imposed some limits on these rights.

A broad spectrum of thought and opinion was available to the public through regularly published magazines and newspapers, including foreign publications. Political and economic views expressed in the independent press often were critical of the Government and its programs. While publishers were required to register prior to starting a publication, the Government routinely approved such registrations.

On December 9, the High Audiovisual Commission (HCA) the country's media watchdog, criticized the biased coverage of the government-run TV station RTS of a scandal involving diplomatic passports. The HCA claimed RTS blacked out a press conference by opposition leader Moustapha Niasse, who was Foreign Minister during the time of the passport scandal, to slant the news coverage against Niasse. HCA claimed that by not broadcasting the press conference, RTS deprived Niasse of a public response to the charges against him. HCA' charges came after Niasse's political party, the Alliance of Forces of Progress lodged an initial complaint.

Police reportedly beat a TV cameraman during a December 14 demonstration (see Section 2.b.).

In July 2001, police summoned to their headquarters Alioune Fall, editor-in-chief of the *Matin* newspaper, on charges of reporting false news. Following the escape of a well-known convict, Fall had reported that there was discontent within the police force after the case was assigned to the gendarmerie. In August 2001, he was charged formally with disseminating false news and released. He trial was pending trial at year's end.

In December 2000, the Government issued a general warning to the national press that the dissemination of communications from the MFDC would be considered attempts to derail the Casamance peace process and would be prosecuted under the Penal Code.

In September journalists from the newspapers Walfadjiri and Sud Quotidien reported that their correspondents in the Casamance region had received death threats from the MFDC. The national union for journalists, the Syndicat des Professionnels de l'Information et de la Communication Sociale du Senegal (SYNPICS), called upon the Government to take measures to ensure security for journalists in the region.

Radio remained the most important medium of mass information and the main source of news for citizens outside urban areas. There were 20 privately owned radio stations in the country. Of these, 15 were regular commercial enterprises, and the other 5 were noncommercial "community" radio stations, set up by communities to broadcast community information and provide news and information on a variety of topics. There also were three international stations that rebroadcast within the country. All of the locally owned stations broadcast national news and political commentary. Some of them often were critical of the Government; no government harassment was reported.

A government monopoly controlled local television, an important source of news. While there were no privately owned domestic television stations, French-owned pay television was available but offered no local news.

In September 2001, the Minister of the Interior halted the screening of Karmen Gei, a film version of the classic opera Carmen, following a day long sit-in protest by members of the Mouride Islamic brotherhood, who criticized the film as blasphemous. Members of the brotherhood, some armed with clubs, gathered outside a cinema in Dakar and demanded the withdrawal of the film. Police and gendarmes were present at the cinema, and no acts of violence occurred. In response to the Mouride protest, the Minister of Culture promised to review the film and reconstitute the Censoring Commission; however, a decree to reconstitute the Censoring Commission had not been promulgated by year's end.

At least nine Internet service providers operated in the country at year's end. The Government did not restrict access to the Internet. A personal account with unlimited access time cost approximately \$18 (10,000 CFA francs) per month. Several cybercafes in the capital city, Dakar, provided access to many persons unable to afford personal accounts.

The Government generally did not restrict academic freedom; however, student meetings on part of the campus of the University of Dakar were banned informally (see Section 2.b.), ostensibly to prevent militant student groups from disrupting classes and studies.

#### b. Freedom of Peaceful Assembly and Association

The Constitution provides for the right of peaceful assembly, and the Government generally respected this provision in practice. The Government's required prior authorization for public demonstrations usually was granted. Meetings by students on the academic campus of the University of Dakar were prohibited by university authorities, but this prohibition did not extend to the dormitory areas of the campus.

In past years, the Government frequently denied authorization or forcibly dispersed peaceful marches by the opposition, and there were two minor incidents during the year. On September 19, citing security concerns, local authorities in the town of St. Louis denied a permit to a group of citizens who wanted to protest the nonissuance by the French consulate of a visa to a young citizen who had earned a scholarship for study abroad. On October 18, citing security concerns, authorities denied an application to march from a group of poultry producers protesting importation of chicken parts from abroad.

On December 14, police used tear gas to disperse forcibly a demonstration by bereaved family members who had lost relatives during a major ferry disaster in September. The police reportedly used the tear gas after demonstrators refused to change their planned itinerary as the police instructed. During the clash, demonstrators threw stones at police, and two demonstration leaders were detained for questioning; however, they subsequently were released without being charged. Police reportedly beat a TV cameraman during the incident. Three police officers later were detained pending an investigation into the beating, which was ongoing at year's end.

In January 2001, police forcibly dispersed a student demonstration at the University after students began protesting university conditions, such as the cost of meals and the number of government scholarships. The MOI reported that the police officers were unarmed and instructed only to use tear gas; however, reporters and students at the scene stated that they heard shots fired. One student was shot and killed. Following extensive media coverage, the Government appointed a commission, whose members included human rights activists, to investigate the incident. In October 2001, the commission completed its report, and a police officer was arrested; he remained in detention awaiting trial at year's end.

The Constitution provides for the right of association, and the Government generally respected this provision in practice. Citizens who wished to form associations must register with the Ministry of the Interior (MOI). Business-related associations registered with the Ministry of Commerce. By law and in practice, the MOI must register such groups as long as the objectives of the association were stated clearly and they did not violate the law.

#### c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

Any group--religious or other--that wants to form an association with legal status must register with the MOI in accordance with the civil and commercial code. Registration, which generally was granted, enabled an association to conduct business, including owning property, establishing a bank account, and receiving financial contributions from any private source. Registered religious groups, like all registered nonprofit organizations, also were exempt from many forms of taxation. The Minister must have a legal basis for refusing registration. There were no reports of any applications for such registration being delayed or denied during the year.

On May 26, a group of youngsters in the Dakar neighborhood of Yoff attacked a house being used for Sunday service by members of the Celestial Christian Church, which is composed of immigrants from other African countries. The juveniles alleged that the service disturbed the peace and disrupted the service but did not cause any injuries. The group did not press charges and police made no arrests.

For a more detailed discussion see the 2002 International Religious Freedom Report.

#### d. Freedom of Movement Within the Country, Foreign Travel Emigration, and Repatriation

The Constitution provides for these rights, and the Government generally respected them in practice. Some public employees, including teachers, were required by law to obtain government approval before departing the country, although this was enforced sporadically.

At times, usually during sweeps for MFDC rebels, the security forces temporarily restricted access to the Casamance region or areas within it. The security forces also regularly maintained checkpoints in the Ziguinchor region to screen for MFDC rebels and arms transports. Security forces generally allowed travelers to proceed after checking documents and searching vehicles.

According to the U.N. High Commissioner for Refugees (UNHCR), during the first 2 weeks of May, approximately 2,000 civilians fled the country to the Gambia following clashes between government security forces and MFDC rebels in the Bignona area of northwestern Casamance. The UNHCR reported that 70 percent of these refugees returned to their villages by early June. The numbers of refugees outside the country fluctuated according to the level of violence in the Casamance region; at year's end, it was estimated that several thousand refugees remained outside the country, mostly in the Gambia and Guinea-Bissau. A UNHCR census in January counted 7,000 Senegalese refugees living in the north of Guinea-Bissau.

The law provides for the granting of asylum or refugee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperated with the UNHCR and other humanitarian organizations that provide assistance for refugees. Since 1989 the country has hosted Mauritanian refugees as a country of first asylum, and the UNHCR continued to provide protection services for them. Mauritanian refugees generally lived in dispersed locations along the length of the Senegal-Mauritania border and were allowed free movement within the country. However, most of these refugees were unable to obtain current refugee documents from the authorities and sometimes encountered administrative difficulties when using their expired refugee application receipts issued in 1989. While no formal repatriation agreement existed among Mauritania, Senegal, and the UNHCR, the two governments have cooperated to permit repatriation for several years. Because the nature of this repatriation was generally unsupervised and largely informal, the exact number of remaining Mauritanian refugees was difficult to determine. Several hundred Bissau-Guinean refugees chose to remain in the country, living with relatives or on their own. The UNHCR estimated that, overall, fewer than 30,000 refugees remained in the country.

There were no reports of the forced return of persons to a country where they feared persecution.

#### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens have the constitutional right to change their Government through periodic multiparty elections, and they exercised this right during the February and March 2000 presidential election that ended the Socialist Party's 40-year domination of political power. After 26 years in opposition, Abdoulaye Wade, backed by a coalition of opposition parties, defeated incumbent President Abdou Diouf in what was considered to be a free and fair election, marred only by reports of sporadic preelection violence and minor procedural irregularities. In the January 2001 national referendum, 94 percent of those voting accepted the new Constitution, which abolished the Senate. Created by the previous Government in 1998, this second legislative chamber, in which no members were elected directly by the citizenry and one-fifth of the members were appointed by the President, reduced the ability of citizens to change their Government and increased the presidency's domination of the state.

In addition to eliminating the Senate, the new Constitution reduced the number of National Assembly seats from 140 to 120. There were 65 legally registered parties.

In April 2001, President Wade's coalition won 49.6 percent of the vote and 89 of 120 seats in the National Assembly elections. International and national observers characterized the elections as free and transparent. Voter participation in the election was 67.41 percent of registered voters.

The 2000 electoral process was marked by minor irregularities such as the illegal issuance of birth certificates to Socialist Party supporters in Keur Madiabel by a judge in the district court in Kaolack. Following a complaint filed by the National Observatory of Elections (ONEL), the documents were cancelled. ONEL also noted that national identity card applications were processed illegally in some instances. Access to personal identification cards was an important issue in the election, since they were necessary to vote. No such incidents were reported in the April 2001 legislative elections.

On May 12, President Wade's coalition won 52 percent of votes and control of 281 of 441 rural, regional, and city councils in the country's first local elections since 1996. Observers noted that the election was orderly and transparent.

Elections were held by balloting that officially was described as secret but permitted voters to leave the polling place with evidence of how they voted. Nevertheless, despite apparent potential for abuse, this balloting system has not been the subject of complaints or reports of abuse in recent elections.

In 1997 the Government created the ONEL to supervise and oversee elections. The ONEL was established as a temporary, independent oversight body empowered to order bureaucrats to obey the law and to take legal action against individuals and parties who violated it. The MOI remains responsible for the actual organization and implementation of the elections, which is done through a directorate of elections. The ONEL significantly improved the level of transparency of the April National Assembly elections, the 1998 National Assembly elections, and the 2000 presidential election, despite persistent flaws in the electoral system. ONEL also oversaw the May 12 local elections.

Although there were no legal impediments to the participation of woman in government and politics, cultural and educational factors hampered them. In addition political parties often ranked women low on party lists, making it difficult for them to be elected to the National Assembly or to be appointed ministers. There were 21 female deputies in the 120-member National Assembly. In March 2000, for the first time in the country's history, the President appointed a woman, Mame Madior Boye, as Prime Minister. Nevertheless, only 5 of the 24 ministers in the President's Cabinet were women. In 1999 a woman, Marieme Wane Ly, formed and headed a political party for the first time.

#### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views.

The Government's National Committee on Human Rights included members from the Government and civic organizations, including private human rights groups. On its own initiative, it may investigate human rights abuses, including torture; however, it did not investigate any cases of abuse during the year.

In April 2000, the Government announced the establishment of a Human Rights Office in the President's office to investigate complaints filed by individuals regarding human rights violations. In September 2001, the Government



named a Human Rights Commissioner to head the new office, which was active. The Commissioner's human rights mandate includes both national and multilateral issues. In September her office undertook to coordinate the country's national strategy against trafficking in persons (see Section 6.f.).

#### Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution states that "men and women shall be equal in law" and prohibits discrimination based on race, sex, class, or language. However, discrimination against women was pervasive, and the Government frequently did not enforce antidiscrimination laws.

##### Women

There were credible reports that domestic violence against women, usually wife beating, was common. According to a study funded by the Canadian Center for International Research and Development (CECI) focusing on the capital Dakar and on the city of Kaolack, 87 percent of 515 women interviewed had suffered from some form of domestic violence. The study also showed that domestic violence was more widespread in Dakar than in Kaolack. Police usually did not intervene in domestic disputes, and most persons were reluctant to go outside the family for redress. In contrast the law and society view rape as a very serious crime, and the law stipulates that persons convicted of rape may be imprisoned for up to 10 years. If the victim was a minor, her age was considered an aggravating circumstance. Rape trials often result in convictions. According to the criminal law, sexual harassment was a crime punishable by imprisonment of up to 3 years and a fine of \$700 (500,000 CFA francs). The potential fine for domestic violence to \$700 (500,000 CFA francs), and the length of imprisonment for domestic violence is 5 years. Several women's groups have formed to address these problems.

In September 2001, supporters of women's rights marched through Dakar to protest violence against women and the impunity with which these acts were carried out. Vivian Wade, the wife of the President, was among the demonstrators.

FGM was not practiced by the country's largest ethnic group, the Wolofs (representing 43 percent of the population), but it was performed on girls belonging to some other ethnic groups. Sealing, one of the most extreme and dangerous forms of FGM, was sometimes practiced by members of the Toucouleur and Mandinka ethnic groups, particularly those in rural areas. Recent studies estimated that about 20 percent of girls undergo FGM. In the regions of eastern Saint-Louis, Matam, Tambacounda, and Kolda, where the practice was most prevalent, it was estimated that 50 percent of girls undergo FGM, with the estimated rate in Kolda as high as 88 percent.

The law stipulates that FGM is a criminal offense, carrying a jail term ranging from 6 months to 5 years for persons directly practicing FGM or ordering it to be carried out on a third person. Most human rights organizations considered the law to be a positive step towards greater protection of women. However, a few women's rights activists criticized the law because they perceived it as being dictated by Western donors. A few Muslim religious leaders also criticized the law because they consider FGM to be a religious practice. While the Government sponsors programs to educate women regarding the dangers of FGM, other critics of the law contended that these programs should have been more widespread prior to implementation of the ban.

In October 2001, with funding from the World Health Organization, the Government launched its National Plan of Action against FGM. Local action plans have since been completed for the departments of Velingara and Kolda in Kolda region. At year's end, the Government's focus was on implementing these plans and developing local action plans for three departments in the Tambacounda region. Several domestic NGOs and one foreign NGO (TOSTAN) worked in coordination with the Government on the FGM problem.

On June 5, inhabitants of 285 villages in the Kolda region publicly announced their decision to ban the practice of FGM in their communities. The decision was the result of an educational campaign initiated in 1997 by TOSTAN in collaboration with the Government. Since July 1997, approximately 708 villages nationwide have banned FGM among their inhabitants. This represented about 12 percent of the approximately 5,500 villages that practiced FGM.

On October 18, a judge in a Dakar regional court formally charged 6 women with performing excision on 5 girls, ages 9 through 15 years, in the Dakar suburb of Malika. The six women included the FGM practitioner and the mother and aunts of the victims. The six were released on bail and were awaiting trial at year's end.

In October 2001, near the village of Dabo, Kolda region, 8 persons were convicted and sentenced to 4-month prison terms for the excision of 18 girls between the ages of 2 and 5. In November 2001, in Velingara, Kolda

region, a mother of two and an FGM practitioner were arrested for the October excision of the mother's two daughters; trials for the two women were pending at year's end.

Despite constitutional protections, women faced extensive societal discrimination, especially in rural areas where Islamic and traditional customs, including polygyny, and Islamic rules of inheritance were strongest, and women generally were confined to traditional roles. By law women have the right to choose when and whom they marry; however, in some areas, traditional practice restricted a woman's choice. The minimum age of consent to marry is 21 for males and 16 for females. Under certain conditions, a judge may grant a special dispensation to a person under age. The law was not enforced in some communities, where marriages often were arranged. Under family law, the woman's consent is required to polygynous unions when contracting a marriage; however, once in polygynous unions women do not have the right of notification or approval prior to a subsequent marriage. In the countryside, women performed much of the subsistence farming and child rearing and had limited educational opportunities. Although the Government has committed itself to equalizing male and female primary school enrollment, there still was much social discrimination against allowing women educational opportunities. Only 23 percent of women over 15 years of age were literate, while the rate for men over age 15 was 43 percent.

It was estimated that only 20 percent of women were engaged in paid employment. Moreover traditional practices made it difficult for women to obtain bank credit. Due to the fact that legally men were considered heads of household, women paid higher taxes than men for equal wages, and employers paid child allowances to men and not women. Women usually married young (the majority by age 16 in rural areas) and averaged 5.7 live births (down from 7 in 1995). Approximately half of all women lived in polygynous unions.

In urban areas, women encountered somewhat less discrimination and were active in government, political life, the legal profession, and business. Approximately 14 percent of lawyers were women. Urban women were more likely to take advantage of the Government's efforts to increase respect for women's legal rights to divorce, alimony, and child support, and to seek education and employment. In general urban women received equal pay for equal work.

#### Children

The Ministry of Family and Infancy was responsible for promoting children's welfare. Numerous organizations assist the Ministry in support of children's rights, including the Ministry of Health, which maintained a nationwide effort focusing on child survival. The Government continued to increase the number of classrooms and encouraged more children, particularly females, to enter and stay in school. The law requires that all children attend school until age 12, but this was not enforced due to a shortage of schools; 75 percent of boys and 67 percent of girls were enrolled in primary school.

On May 31, a 12-year-old girl died of hemorrhage following sexual injuries sustained on her wedding night. She had been married to her cousin without the consent of her father, who lived in France. The groom was arrested and on July 22, was sentenced to 2 months in jail by a court in St. Louis. The domestic human rights organization RADDHO denounced the court's decision as too lenient.

FGM was performed primarily on young girls (see Section 5, Women).

The law mandates jail terms of up to 10 years for convicted pedophiles.

#### Persons with Disabilities

There are no laws that mandate accessibility for persons with disabilities, and in practice most persons with disabilities generally were unable to participate in many occupations due to physical barriers and a lack of equipment and training opportunities.

In 2000 the Council of State (the country's highest administrative court) ruled on an antidiscrimination lawsuit filed in 1999 by the National Association of Disabled People against the regional educational board in the eastern province of Tambacounda. The board had refused to hire a candidate with physical disabilities who had passed a recruitment test, on the grounds that persons with physical disabilities were not qualified for the job of teaching. The court overruled the board's decision on the grounds that a physical disability did not represent a valid legal ground for barring a person from teaching.

#### National/Racial/Ethnic Minorities

The country was ethnically diverse. The largest ethnic groups were the Wolof (more than 40 percent of the country's population), the Pular (also called Peuhl or Fulani, nearly 25 percent), and the Serer (more than 15 percent). Other smaller groups include the Diola, Mandingo, and Soninke. Each group has its own primary language, although French and Wolof were used widely as secondary languages. Wolof was the country's primary language. While general regions of origin can be identified for most ethnic groups, these regional separations no longer were distinct.

In most of the country, ethnic and regional tensions have not contributed significantly to human rights abuses, and opposition to the Government generally has taken the form of nonviolent political parties that have not had readily identifiable ethnic or regional bases. However, this has not been true in the Casamance region, the part of the country to the south of The Gambia. Casamance was substantially less arid, less Islamic, and less Wolof than the rest of the country. Resentment on the part of Casamance groups, including the Diola, of domination by northerners, including the Wolof, reportedly has contributed significantly to the secessionist MFDC rebellion in the Casamance region, which began in 1982 and has continued to give rise to many human rights abuses (see Sections 1.a. and 1.c.).

## Section 6 Worker Rights

### a. The Right of Association

The Constitution and the Labor Code provide all workers with the right of association, and they were free to form or join unions; however, the Labor Code requires the Minister of the Interior to give prior authorization before a trade union can exist legally, and the Government can dissolve trade unions by administrative order. The International Labor Organization (ILO) continued to oppose both of these governmental limitations on the freedom of association.

Any group of workers in the same occupation, similar trades, or the same professions could form a union. The Government could disband a union if its activities deviated from its charter.

The Labor Code does not apply to the informal and agricultural sectors. Approximately 60 percent of the population were engaged in agricultural work, and 40 percent of urban youth officially were unemployed.

There are legal prohibitions governing discrimination by employers against union members and organizers. Employers found guilty of antiunion discrimination were required to reinstate workers.

Although they represented a small percentage of the working population, unions wielded significant political influence because of their ability to disrupt vital sectors of the economy. The small industrial component of the total work force of 4 million was almost totally unionized. The only union in the agrarian sector was one representing workers at a privately owned sugar company. Some farmers were organized into the National Farming Association, an advocacy organization.

The National Confederation of Senegalese Workers (CNTS), the largest union organization, had close ties to the Socialist Party. While ostensibly an independent organization, the umbrella CNTS consistently supported government policies during the Diouf administration. The 2002 International Confederation of Free Trade Unions (ICFTU) Annual Survey charged that toward the end of 2001, government actions clearly aimed at undermining the CNTS had resulted in tensions within the union organization.

The rival to the CNTS was the National Union of Autonomous Labor Unions of Senegal (UNSAS). The UNSAS was a federation of strategically important unions such as those formed by electrical workers, telecommunication workers, teachers, water technicians, and hospital, railroad, and sugar workers. The third major labor federation was the Confederation of Autonomous Workers (CSA).

The Labor Code permits unions to affiliate with international bodies. The CNTS was active in regional and international labor organizations and was the dominant Senegalese member of the Organization of African Trade Union Unity.

### b. The Right to Organize and Bargain Collectively

The law provides unions with the right to organize and to bargain collectively, and these rights were protected in practice. The ICFTU 2002 survey noted that the national trade union centers were able to bargain successfully with

the Government during the year, gaining agreement on a long-standing demand concerning an increase in the retirement age, and credited the Government with giving due respect to the bargaining process. There were no known instances in which workers were prevented from exercising the right to organize and bargain collectively. The Ministry of Labor (MOL) can intervene in disputes between labor and management if requested, and it plays a mediation role in the private and state enterprise sectors.

The new Constitution, adopted January 2001, and the Labor Code provide for the right to strike, but with significant restrictions. Unions representing members of the civil service must notify the Government of their intent to strike no less than 1 month in advance, and private sector unions must make a similar notification 3 days in advance. The Government or the employer can use the time to seek a settlement to the dispute through mediation, which usually was provided by the Ministry of Labor; however, the Government or employer cannot stop the strike. Under the new Constitution, a strike action may neither infringe upon the freedom to work nor imperil the enterprise involved; however, this provision was not tested by year's end. The Government has the power to requisition workers from private enterprises and public services for the safety of persons and goods, the maintenance of public order, and the continuity of public services, or to meet the country's essential needs. There were no illegal strikes during the year.

Labor laws apply to all industrial firms including those in the Dakar Industrial Free Trade Zone.

#### c. Prohibition of Forced or Bonded Labor

The law prohibits forced or compulsory labor, including by children, and there were no reports that such practices occurred.

#### d. Status of Child Labor Practices and Minimum Age for Employment

The Constitution bans child labor of all kinds, and the Government enforced this ban in the formal sector, which was under the purview of the labor law. However, children under the minimum age frequently work in the much larger traditional or informal sectors, such as family farms in rural areas or in small businesses, where the Government does not enforce minimum age and other workplace regulations. In addition, many children who were Koranic students were involved in organized street begging.

Under the law, the minimum age for employment was 16 years for apprenticeships and 18 years for all other types of work. Inspectors from the MOL closely monitored and enforced minimum age restrictions within the small formal wage sector, which included state-owned corporations, large private enterprises, and cooperatives.

In 1998 the country began a 3-year program of action to eliminate child labor, the International Program for the Elimination of Child Labor (IPEC). The program was scheduled for termination in December 2001; however, it received additional funding, which allowed it to continue to operate for 2 more years.

#### e. Acceptable Conditions of Work

The law mandates a monthly minimum wage, and the Ministries of Labor and Finance determined wage rates after negotiating with the unions and management councils. The minimum wage of \$0.37 (223.7 CFA francs) per hour did not provide a decent standard of living for a worker and family.

Within the formal sector, the law mandates a standard workweek of 40 to 48 hours for most occupations, with at least one 24-hour rest period and 1 month per year of annual leave; enrollment in government systems for social security and retirement; safety standards; and a variety of other measures. These regulations were incorporated into the Labor Code and were supervised by inspectors from the MOL; however, enforcement was uneven, especially outside the formal sector.

There is no explicit legal protection for workers who file complaints about unsafe conditions. While there are legal regulations concerning workplace safety, government officials often did not enforce them. In theory workers have the right to remove themselves from unsafe working conditions, but in practice the right seldom was exercised because of high unemployment and a slow legal system.

#### f. Trafficking in Persons

The law prohibits the sale of persons, abduction, and hostage-taking but does not specifically address trafficking in

persons. There were occasional reports of the trafficking of women for labor or sexual purposes during the year. In September the office of the Human Rights Commissioner undertook to coordinate the country's national strategy against trafficking in persons.

In August 2001, authorities stopped 100 young Senegalese women from boarding a charter flight to Libya. One Senegalese and two French nationals of Senegalese origin were arrested and charged with organizing an international prostitution ring. In September 2001, authorities questioned them concerning allegations that the young women were being sent to Libya to work as prostitutes. In October 2001, the Senegalese citizen was released on bail, and in November 2001, the two French nationals were released on bail. On August 27, the investigating judge dropped all charges against the defendants.

In 2000 police arrested a Nigerian citizen who had lured a Nigerian woman to Dakar and confined her in a house with three other Nigerian women. According to the police, the Nigerian man raped and beat the women. No further information was available on the case at year's end.